

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

HERBERT JOHNSON,	:	
	:	Civ. No. 15-1311 (RBK)
Petitioner,	:	
	:	
v.	:	MEMORANDUM AND ORDER
	:	
I.R.S., et al,	:	
	:	
Respondents.	:	
	:	

Petitioner is a prisoner currently incarcerated at the Delano State Prison in Delano, California. He is proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner did not pay the filing fee. Furthermore, his application to proceed *in forma pauperis* is incomplete. Local Civil Rule 81.2(b) provides that:

[w]henever a Federal, State, or local prisoner submits a petition for writ of *habeas corpus* . . . and seeks *in forma pauperis* status, the prisoner shall also submit an affidavit setting forth information which establishes that the prisoner is unable to pay the fees and costs of the proceedings and shall further submit a certification signed by an authorized officers of the institution certifying (1) the amount presently on deposit in the prisoner's prison account and, (2) the greatest amount on deposit in the prisoner's prison account during the six-month period prior to the date of the certification.

L.Civ.R. 81.2(b). Petitioner's *in forma pauperis* application is missing the required certification from the appropriate prison official. Thus, the application to proceed *in forma pauperis* will be denied without prejudice and the case will be administratively closed. Petitioner shall be given an opportunity to reopen this action should he so choose.

Accordingly, IT IS this **3rd** day of **March**, 2015,

ORDERED that petitioner's application to proceed *in forma pauperis* is denied without prejudice; and it is further

ORDERED that the Clerk shall administratively terminate this case for petitioner's failure to either pay the requisite filing fee of \$5.00 or submit a complete application to proceed *in forma pauperis*; and it is further

ORDERED that if petitioner wishes to reopen this action, he shall notify the Court within thirty (30) days of the date of entry of this Order, in writing; petitioner's writing shall include either: (1) a complete *in forma pauperis* application, including a certified statement of petitioner's institutional account as required by Local Civil Rule 81.2(b); or (2) the \$5.00 filing fee; and it is further

ORDERED that the Clerk shall serve on petitioner by regular U.S. Mail: (1) a copy of this Order; and (2) a blank form application to proceed *in forma pauperis* in a habeas corpus case.

s/Robert B. Kugler
ROBERT B. KUGLER
United States District Judge